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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: Edward A. Marue
Kenneth J. Pereira

Assignee: The Will-Burt Co.

Reissue App. No: 09/596,850

Re. Filing Date: June 19, 200

Title: TELESCOPING MAST WITH
INTEGRAL PAYLOAD

Docket No: 546-P-8-USA

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DECLARATION OF KENNETH J. PEREIRA

Box: 7
Hon. Commissioner of Patents
and Trademarks
Washington, D.C. 20231

Sir:

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As inventor of the above-identified application, I hereby declare that:

Applicant believes the original patent to be partly inoperative or invalid by reason of the Patentee claiming more or less than Patentee had the right to claim in the patent.

Applicant erroneously claimed more than they had a right to claim in light of prior art that was not cited during prosecution of the application that resulted in issuance of the 5,615,855 patent. More particularly, Claim 1 of the '855 patent claims a telescoping mast assembly including a plurality of nesting telescoping mast sections wherein a payload is located only

in the top section of the mast sections. Meanwhile, U.S. Patent No. 3,347,003 issued to *Lapp* discloses such a structure. Accordingly, Claim 1 of the '855 patent is believed invalid under 35 U.S.C. § 102. This prior art was previously provided to the United States Patent and Trademark Office in support of this reissue application in the form of a previously filed Information Disclosure Statement.

Every error in the patent which was corrected in the present reissue application, and is not covered by a prior oath/declaration submitted in this application, arose without any deceptive intention on the part of the Applicant.

I hereby declare that all statements made herein are of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this reissue application and any patent issued thereon, or any patent to which this declaration is directed.

Executed on this 4th day of September, 2002, at San Louis Obispo, California.


Kenneth J. Pereira